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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of) MM Docket No. 99-25
Creation of a Low) RM-9208
Power Radio Service) RM-9242

To: The Commission

COMMENTS OF SHEBOYGAN COUNTY BROADCASTING CO., INC.

Sheboygan County Broadcasting Co., Inc. (Sheboygan County), through its attorneys and pursuant to Section 1.415 of the rules, hereby files its comments in response to the Commission's Notice of Proposed Rule Making (Notice) proposing to create a new low power FM (LPFM) service. In support thereof, the following is shown:

1. Sheboygan County has been a broadcast licensee for over twenty-five years, operating both AM and FM stations exclusively in smaller markets. Today Sheboygan County through subsidiary licensees operates Stations WHBL(AM)/WBFM(FM), Sheboygan, Wisconsin, WWJR(FM), Sheboygan Falls, Wisconsin, and WHTC(FM), Holland, Michigan.

2. The Commission's proposal would have disastrous consequences for the current allocation scheme and all existing FM service. Particularly disturbing is that the proposal would allow thousands of new radio broadcast facilities in smaller markets unable to sustain them. As shown by an exhaustive study conducted by the National Association of Broadcasters (NAB) as well as the Commission's own analysis, this outcome would be

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accomplished only by creating massive new areas of interference, substantially degrading the quality of current service and undermining the value of these facilities which has been created by small market entrepreneurs. Specifically, the NAB's study demonstrates that the existing FM allocation standards are entirely appropriate and that any compromise in current technical rules would result in a massive increase in interference to the vast majority of the some 700 million radios in the existing receiver universe. In addition, the proposal would likely doom the costly and time-consuming efforts undertaken to date to implement In Band On Channel Digital Audio Broadcast (IBOC DAB) service, a critical component of radio service to the American consumer in the future as the world moves from analog to digital distribution of information. Much of the initial development work on the IBOC DAB systems is complete. IBOC DAB should be given every opportunity to succeed and should not be burdened with additional and likely insurmountable technical challenges.

3. As has already been shown by the Commission's own studies and the exhaustive NAB analysis, there will be very few LPFM stations possible in most major population centers since the FM spectrum is already crowded with existing stations. In the event that an LPFM service were to be authorized, it is obvious that most of the new facilities would be implemented in smaller, rural communities where spectrum availability would be increased once fundamental second and third adjacent channel protections of many years standing are eliminated. It is also true that the

existing radio services in these communities, which suffered severe adverse consequences as a result of Docket 80-90, would be similarly impacted by an infusion of even more signals into a static economic base.

4. The reality of smaller market radio which serves the majority of Americans¹ is that there are only so many advertising dollars to go around. Increasing the number of stations by decreasing existing signal protection results in reduced service and lower revenues. Aside from that effect, increase the number of stations and each station has a smaller piece of the pie from which to derive its livelihood. In a geographically small market, a 1000 watt LPFM station would compete with a conventional 3 or 6 kW class A station. As the experience of Docket 80-90 makes clear, the addition of numerous LPFM stations will require existing local stations to cut back news, public affairs and local programming and other activities which are the key to "localism", perhaps radio's most significant value to its community. "Local" radio can only provide such desirable program elements if it makes economic sense to do so. Too many stations coupled with too little available revenue unfortunately translates into fewer employees, additional out-of-market syndicated programming and less localism, which is the cornerstone of U.S. broadcast service. As the past proved, this

¹Almost two-thirds of the U.S. population lives outside of the Top 50 markets.

is unhealthy for existing small market radio and the public it serves.²

5. Another economic issue attendant to the LPFM proceeding is the naked appropriation of heretofore protected service areas from existing, licensed stations that have in many cases paid millions of dollars for licenses and millions more for facility improvements. These licensees by all rights have a reasonable expectation of retaining their existing coverage. Any loss of coverage, and thus listenership, detracts significantly from the value of their facilities and from their ability to compete effectively in the marketplace. Loss of service within the core of a station's service area, which inevitably will occur if the second and third adjacent channel interference protection limits are relaxed, is a particularly invasive form of interference that would be unprecedented in the history of the FM broadcast service.

6. Through prudent technical regulation, the Commission has facilitated the development of a robust and diverse radio broadcast industry which provides effective and efficient service to all Americans. The Commission proposes no less than the establishment of a new radio service wholly at the expense of an

²With respect to the diversity issue, Sheboygan County suggests that the Internet provides a readily accessible medium for the expression of views by any one. Today, one can effectively start an operation over the Internet at will, employing streaming audio and other techniques without any need to obtain a license. Indeed, the Internet seems to be an ideal medium for persons and groups to reach niche audiences which is not dependent upon conventional competitive imperatives.

existing service and to the detriment of the listening public. It will create massive interference in the FM radio band and will likely foreclose the development of IBOC DAB. Moreover, technical considerations aside, the ability of the LPFM service to foster the dual goals of additional diversity and economic opportunity is an illusion. Realistic opportunities in larger markets are severely limited and smaller markets do not have the revenue base to sustain numerous facilities created at the expense of existing facilities' protected service areas. Under all of these circumstances, adoption of the Commission's proposal would be unproductive, unfair and unwise.

WHEREFORE, for the foregoing reasons, Sheboygan County urges the Commission not to adopt, in whole or in part, the proposals contained in its Notice.

Respectfully submitted,

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